

AUG 11 2006

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

BONIFACIO SANDOVAL PINEDA;
et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 06-71106

Agency Nos. A95-310-750
A95-310-752
A95-310-753

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted August 7, 2006**

Before: SCHROEDER, Chief Judge, REINHARDT and HAWKINS, Circuit Judges.

Respondent's unopposed motion for summary disposition is granted.

Petitioners are a father and two minor children, all natives and citizens of Mexico.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

06-71106

Summary disposition is appropriate because lead petitioner lacked ten years continuous physical presence for cancellation of removal, which was not disputed before the agency or in this court. Petitioners raise no substantial questions requiring further argument. *See* 8 U.S.C. § 1229b(b)(1)(A); *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard for summary disposition). All other pending motions are denied as moot.

The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.